

**Conference on Effectively Restoring Ecosystems
22-24 August 2000, St. Louis, Missouri**

BACKGROUND

Session: Breakout 2B

Topic: Cumulative Effects

Moderator: Jean O'Neil, CEERDC-EL

Recorder: Gene Lilly, CESWT

Panelists:

- Jean O'Neil, CEERDC-EL
- Jim Randolph, CESWT
- Bob Barron, CESAJ

Objective: This session had three objectives:

- Raise awareness of the need for looking at cumulative effects of actions within each element of the Corps
- Discuss the philosophy of the Corps in dealing with special use permits, real estate outgrants, and other non-water oriented uses of project lands and waters relative to cumulative effects.
- Identify some actions and practices that can be implemented to avoid cumulative effects.

Description: Dr. O'Neil provided a general overview of the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) reference to cumulative effects and the relevance to ecosystem restoration of considering cumulative effects. Mr. Jim Randolph (CESWT-PE-E) provided A Planning Perspective on Operations and Maintenance Activities. Mr. Bob Barron (CESAJ-RD) provided a presentation of the steps in evaluating cumulative effects in a current effort on Improving the Regulatory Process in Southwest Florida. Miscellaneous comments, questions, and answers are documented. The information from the presentations was used to help facilitate group discussions that identified problems, opportunities, and recommendations.

HIGHLIGHTS

The cumulative effects issue has at least three faces within the Corps. One is in Operations, where piecemeal demands on public lands are escalating past our technical and administrative ability to deal with them. A second is in Regulatory, where the time and technology are not available for adequate analyses of cumulative effects of many permit actions. A third is in Planning, where we are not realizing the benefits that can accrue from looking at our actions in a cumulative fashion.

The relevance of this session to Planners was two-fold: (1) the specific problems identified by Operations and Regulatory provide a clear and discrete set of problems that can be discussed, not fuzzy concepts as is often the case with cumulative impacts; and (2) the discussion was directed toward the relevance of these kinds of problems to planners and how planners can contribute to solutions.

NEPA and CEQ Reference to Cumulative Effects

The 1969 NEPA definition, as revised in 1971 by the CEQ, states Cumulative Impacts as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

Problems and Opportunities

There are many issues to consider when we make decisions regarding proposed actions that would have cumulative environmental effects on lands that are either managed by the U.S. Army Corps of Engineers or on other lands affected by actions that fall under the Corps regulatory authority. Examples of actions that can result in cumulative changes to ecosystems are found in many aspects of human activities and include land use changes such as urban development, development of transportation corridors such as road building, and continued land use such as grazing. Part of the difficulty of cumulative impact analysis is the need to look at incremental actions such as changes over time and space, the relative location of thresholds beyond which an undesirable or irreversible consequence occurs, and synergistic effects.

Problems and issues that were identified as being common to Districts include the following:

- There is a need for consistent application of policies and procedures regarding decisions made on proposed actions. Real Estate, Operations, and Planning/Regulatory District Offices have different perspectives on U.S. Army Corps of Engineers policy.
- Incremental demands on public lands have escalated past our technical and administrative ability to deal with them.
- There are situations, such as watersheds undergoing intense development, where stronger analysis of cumulative effects is desirable.
- There are situations where Planning activities do not consider the impacts or benefits that can be identified from evaluating actions in a cumulative fashion.

Five priority areas of concern were identified, including master planning, consistent application of the NEPA guidelines, permit actions, consistent application of business practices, and technical challenges. Due to breakout session time constraints, participants identified the application of NEPA guidelines and Business Practices as the top two priorities to address in discussions.

The following ideas were identified as ways to improve the NEPA process:

- Prepare Programmatic Environmental Assessments.
- Use 404 (b)(1), i.e., develop guidelines.
- Apply cradle to grave management within 404 regulatory authority.
- Increase consistency in categorical exclusions and thresholds determinations.
- Identify good examples of addressing cumulative effects, especially from other agencies.
- Look for opportunities to partner and share technology such as GIS files, so that natural resource and other information can be shared electronically (e.g., the Department of Transportation in the Southeast).
- Use a regional approach: identify projects that are expected to occur in the future and disclose the potential ecosystem effects as a group. (The NEPA process is one mechanism to obtain public input and disclosure).
- Maximize the scoping process and use other resources for information through participatory processes with local governments, non-governmental organizations, and industry groups.

The following ideas were identified as ways to improve Business Practices:

- Define a comprehensive and practical business process relative to cumulative effects.
- Identify consequences.
- Take advantage of intraoffice networking.
- Take advantage of shared technology opportunities and other resources.
- Organize corporate knowledge and expertise of environmental resources geographically, i.e. by watersheds.
- Coordinate with resource agencies early in the process.
- Integrate local, state, and Federal interests early in the process.
- Maximize the scoping process to identify the issues important to the community.
- Use preliminary screening and tiered evaluation processes to narrow the number of natural resource issues that need attention in an evaluation.

Recommendation

The participants of the Cumulative Effects breakout session recognize that the problems documented in this report are not isolated to several Districts but are relevant nation wide. There is a need for guidance from HQUSACE to identify practical and flexible business processes and policy guidelines that promote sound and consistent decisions on proposed actions that require U.S. Army Corps of Engineers approval or comment. Additionally, innovative technology such as Geographic Information System applications and incremental analysis models are potential resource tools that could be used to help make and document decisions. Therefore, it is recommended that a Process Action Team (PAT) be formed with members representing Planning, Operations, Regulatory, Real Estate, Office of Counsel, IWR, and WES offices. The purpose of the PAT would be to identify potential policy guidance and development of innovative technology resources. The PAT report would be coordinated with field offices for review and comment,

finalized, and submitted to HQUSACE for consideration and implementation.

Questions and Comments

Questions to Mr. Jim Randolph:

Q. Have you done any cumulative effects studies?

A. No. We have visited with our Operations people and they have agreed to fund 5 EIS supplements. Because of the budget constraints; however, it will be 2-3 years before funds are available.

Q. Could developers fund the costs of EA's?

A. Yes. For example, the proponent of a golf community at one of our lakes is responsible for funding an EA.

Q. Is Tulsa District tracking cumulative effects?

A. No. We have not yet identified base line conditions.

Question to Mr. Bob Barron:

Q. Does Jacksonville District use mitigation banking?

A. Yes, and they would be very effective in implementing a regional vision.

Miscellaneous Comments:

- We need consistent application guidance. Real Estate, Operations, and Planning folks have different perspectives.
- We have been operating for a long time without revising NEPA documents. We can't just issue moratoriums. We have to be able to effectively deal with political heat.
- We need to be able to set goals and base Regulatory decisions on those goals. Corps Regulatory folks can't make decisions alone, it needs to be a team effort.
- We have lost a lot of corporate knowledge. New employees don't know the requirements. We need to periodically train and update our field Environmental Specialists.